

Message Text

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ORIGIN COME-00

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FM SECSTATE WASHDC
TO AMCONSUL SYDNEY
AMEMBASSY CANBERRA

C O N F I D E N T I A L STATE 181036

EXCON USOECD

E.O. 11652: XGDS-1

TAGS: ESTC, COCOM

SUBJECT: EXPORT ADMINISTRATION POLICY GUIDELINES

REFS: (A) SYDNEY 1529 AND (B) CANBERRA 5105

1) AUSTRALIAN PRESS QUERRY (REF A) MOST LIKELY STEMS FROM
NIHOM KEIZAI JUNE 26 REPORT, WHICH ACCORDING TO EMBASSY
TOKYO IS AN EXAGGERATED ACCOUNT OF JAPANESE PROPOSALS
TABLED FOR CONSIDERATION BY COCOM DURING FORTHCOMING COCOM
LIST REVIEW NEGOTIATIONS OPENING IN PARIS ON OCTOBER 2.

2) IF POST CONSIDERS IT DESIRABLE TO REPLY TO PRESS QUERRY,
ITS COMMENTS SHOULD BE ALONG THE FOLLOWING LINES:

COCOM (SHORT FOR COORDINATING COMMITTEE) IS A MULTINATIONAL
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ORGANIZATION WHOSE OBJECTIVE IS THE COORDINATION OF THE
INDIVIDUAL EXPORT CONTROL PROGRAMS OF MEMBER COUNTRIES SO AS
TO PREVENT THE ACQUISITION BY THE USSR AND OTHER COMMUNIST
COUNTRIES OF EQUIPMENT AND OTHER COMMODITIES WHICH WOULD
ENHANCE THE MILITARY POSTURE OF THOSE AREAS. THE COCOM
MEMBERSHIP CONSISTS OF THE NATO COUNTRIES, MINUS ICELAND BUT
PLUS JAPAN. COCOM, HOWEVER, HAS NO CONNECTION WITH NATO.

COCOM IS HEADQUARTERED IN PARIS.

THE LIST OF EMBARGOED COMMODITIES IS REVIEWED BY COCOM APPROXIMATELY EVERY TWO YEARS SO AS TO UPDATE THE LIST, TAKING INTO CONSIDERATION TECHNOLOGICAL DEVELOPMENTS, CHANGED END-USE PATTERNS AND OTHER FACTORS WHICH HAVE A BEARING ON THE SIGNIFICANT MILITARY USE OF THE CONTROLLED ITEM. THE NEXT COCOM LIST REVIEW IS SCHEDULED TO OPEN IN PARIS ON OCTOBER 2. UNDER COCOM LIST REVIEW GUIDE-LINES, PROPOSALS TO REVISE THE LIST ARE TO BE TABLED SEVERAL MONTHS PRIOR TO BEGINNING OF THE REVIEW SO THAT MEMBER GOVERNMENTS HAVE THE OPPORTUNITY TO STUDY THE VARIOUS PROPOSALS BEFORE THE OPENING OF THE ACTUAL NEGOTIATION PERIOD. ANY COCOM MEMBER IS FREE TO SUBMIT PROPOSALS PERTAINING TO THE CONTROL LIST. THE JUNE 26 REPORT ALLUDED TO BY THE AUSTRALIAN NEWSPAPER MOST LIKELY STEMS FROM JAPANESE PRESS ACCOUNTS OF WHAT THEY DISCERN TO BE THE THRUST OF THOSE PROPOSALS SUBMITTED BY THE JAPANESE GOVERNMENT. THE CONTENTS OF LIST REVIEW PROPOSALS, AS ARE OTHER MATTERS PERTAINING TO COCOM, ARE CLASSIFIED BY THAT ORGANIZATION AND, THEREFORE, IT WOULD BE INAPPROPRIATE FOR ANY US GOVERNMENT AGENCY TO COMMENT UPON THEM.

3) OEA BULLETIN NO 181, CITED IN REF B, DOES NOT (REPEAT NOT) REFLECT ANY CHANGE IN US OR COCOM LICENSING POLICIES. COCOM HAS LONG HAD A MECHANISM WHEREBY MEMBER GOVERNMENTS, CONFIDENTIAL

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AT NATIONAL DISCRETION, MAY LICENSE THE EXPORT TO A PRO-SCRIBED COUNTRY CERTAIN EMBARGOED COMMODITIES UNDER A SYSTEM OF ADMINISTRATIVE EXCEPTION NOTES(AEN). EXPORTS QUALIFYING FOR THIS TREATMENT DO NOT REQUIRE COCOM CLEAR-ANCE PRIOR TO THE ACTUAL EXPORT, EVEN THOUGH THEY ARE UNDER EMBARGO CONTROL. HERETOFORE, OEA REFRAINED FROM PUBLISH-ING THE PARAMETERS OF THOSE AEN'S BUT HAS NOW DECIDED TO INFORM US EXPORTERS OF THOSE CONDITIONS IN A MANNER SIMILAR TO THAT USED BY THE BRITISH IN THEIR PUBLISHED CONSOLIDATED LIST OF GOODS SUBJECT TO SECURITY EXPORT CONTROL, PREPARED BY THE MINISTRY OF TRADE AND INDUSTRY. THE UK LIST APPEARING IN THE TRADE AND INDUSTRY PERIODICAL OF APRIL 30, 1976, FOR EXAMPLE, REFLECTS THE RESULTS OF THAT LAST (1974-75) COCOM LIST REVIEW. COCOM AEN'S BEGIN WITH THE PHRASE "GOVERNMENTS MAY PERMIT, AS ADMINISTRATIVE EXCEPTIONS, THE SHIPMENT OF" THE BRITISH LIST DELETES THAT PHRASE BUT DESCRIBES IN ITALICS THE COMMODITIES QUALIFYING FOR AEN TREATMENT. IN BULLETIN 181, OEA SUBSTITUTES THE PHRASE: "LICENSES ARE LIKELY TO BE APPROVED FOR EXPORT TO SATISFACTORY END-USERS....." FOR THE COCOM LANGUAGE.

4) POST SHOULD KEEP IN MIND THAT (I) COCOM COMMODITIES

QUALIFYING FOR AEN TREATMENT REMAIN UNDER EMBARGO, (II) THE

EXPORT OF THOSE COMMODITIES TO PROSCRIBED DESTINATIONS
REQUIRE NATIONAL LICENSING AND (III) THERE IS NO GUARANTEE
THAT A LICENSE WILL BE GRANTED MERELY BECAUSE THE COMMODITY
QUALIFIES FOR THE AEN PROCEDURE. THE INTENT OF THE AEN
PROCEDURE IS TO FACILITATE THE EXPORT OF SELECTED
EMBARGOED ITEMS WHICH, WHILE POSSESSING SIGNIFICANT
MILITARY USE, ARE, NEVERTHELESS, WIDELY USED IN THE CIVIL
SECTOR. THIS ADMINISTRATIVE PROCEDURE IS CLASSIFIED UNDER
COCOM GROUND RULES AND ITS USE SHOULD NOT BE MADE PUBLIC.
AS NOTED IN PARA 3 ABOVE, OEA BULLETIN 181 DOES NOT REFLECT
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A CHANGE IN US LICENSING POLICY; IT MERELY INFORMS
EXPORTERS THAT LICENSES FOR CERTAIN COMMODITIES ARE LIKELY
TO BE MORE FORTHCOMING THAN FOR OTHERS. IF QUESTIONED
BY THE PRESS RE BULLETIN 181, POST SHOULD RESTRICT ITS
ANSWERS TO THE TH;RUST OF THE PRECEDING SENTENCE, BUT MAY,
IF NECESSARY, DRAW ON THE EXPLANATORY INFORMATION IN PARAS
3 AND 4 WHILE REMEMBERING THE CLASSIFICATION CAVEAT.

5) EMBASSY CANBERRA MAY WISH TO PASS THIS TELEGRAM TO
BRISBANE, MELBOURNE AND PERTH. CHRISTOPHER

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